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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,818

07/13/2007

Peter Dam Nielsen

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BANNER & WITCOFF, LTD  
ATTORNEYS FOR CLIENT 004770

1100 13TH STREET

SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

HUYNH, NAM TRUNG

ART UNIT

PAPER NUMBER

2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,818	<b>Applicant(s)</b> DAM NIELSEN, PETER	
	<b>Examiner</b> NAM HUYNH	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5-7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/15/11</u>   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to amendment filed on 12/21/10. Claims 1, 5, 7, and 9-13 have been amended and claims 3 and 8 have been cancelled.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 5-7, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsen et al. (US 6,529,144) in view of Skorpik (US 7,130,583), and further in view of Kenagy et al. (US 6,449,492).

Regarding claim 1, Nilsen teaches a method comprising:

detecting a change of state of motion of an apparatus (motion sequence is detected by motion sensor);

triggering the activation of a device function or changing the mode of a device based on a detected motion sequence (column 2, lines 59-67; column 3, lines 1-10; column 4, lines 55-65).

Nilsen teaches that the motion sequence can be any sequence (column 4, lines 66-67; column 5, lines 1-14), but does not explicitly teach that the motion sequence that triggers the device function is from a state in which the apparatus is substantially at rest, to a state in which the apparatus is in motion. Skorpik discloses wireless communication devices and movement monitoring methods (title). Skorpik teaches that an operational state of a device may be changed based on a detection of movement from a state of absence (substantially at rest) to a state of presence (in motion) (column 5, lines 5-22). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Nilsen, to allow a motion sequence to be used wherein the device is substantially at rest and then changes to a state of motion, as taught by Skorpik, in order to conveniently activate a function or enter information into the electronic device without having to press a key. Furthermore, one of ordinary skill in the art would recognize that the two teachings could be combined because the invention of Nilsen is not limited to the type motion sequence used to activate the function, thus a user could program this type of motion as a motion sequence if desired.

In the combination of Nilsen and Skorpik, Nilsen teaches that the motion sequence can activate any function of the electronic device (column 4, lines 55-65), but does not explicitly teach that the motion sequence triggers the monitoring for a user-induced input activity during a predetermined time period, and as a result of an absence of any user-induced input activity during the predetermined time period, activating an input lock in the terminal apparatus. Kenagy discloses an apparatus and method for preventing inadvertent operation of a manual input device (title). Kenagy teaches that a key lock activation (activating an input lock) occurs automatically after the device does not receive an input from either the keypad or the switch (absence of user-induced activity) (column 4, lines 46-64). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Nilsen and Skorpik, to allow the key lock function of Kenagy to be activated in the case when a motion sequence unlocks or puts the device in an active mode. This modification would prevent inadvertent operation of when a manual input of the device is accidentally actuated after a period of inactivity or when the user doesn't intend to use the device.

Regarding claim 5, Skorpik teaches the method according to claim 1, wherein said step of detecting that the apparatus is substantially at rest includes monitoring, during a second predetermined time period, any motion of the apparatus and, when said second predetermined time period has lapsed and motion of the apparatus has not been detected, establishing that the apparatus is substantially at rest (active operational

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period is followed by dormant operational state after the elapse of a predetermined time period) (column 5, lines 5-22, 55-61).

Regarding claim 6, Nilsen teaches the method according to claim 1, where detecting a change of state of motion includes detecting acceleration (motion sensor/accelerometer) in any spatial direction (column 2, lines 59-67).

Regarding claims 7 and 10, the limitations are rejected as applied to claim 1.

Regarding claim 9, the limitations are rejected as applied to claim 6.

Regarding claim 11, Skorpik teaches the method of claim 1, wherein detecting a change of state of motion of the apparatus comprises determining that a motion detector (motion sensor/accelerometer) included in the terminal has triggered an interrupt (motion processor detects that a motion sequence has occurred and sends interrupt to device controller) (column 2, lines 59-67; column 3, lines 1-10).

Regarding claim 12, Nilsen teaches the apparatus of claim 7, further comprising:  
a motion detector (motion sensor/accelerometer),

wherein the instructions that, when executed by the processor (motion processor), cause the apparatus to detect a change of state of motion of the apparatus include instructions that, when executed by the processor, cause the apparatus to determine that the motion detector has triggered an interrupt (motion processor detects that a motion sequence has occurred and sends interrupt to device controller) (column 2, lines 59-67; column 3, lines 1-10).

Regarding claim 13, Kenagy teaches the computer readable medium of claim 10, wherein the instructions that, when executed by the terminal, cause the terminal to

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determine an absence of user-induced activity in the terminal include instructions that, when executed by the terminal, cause the terminal to determine an absence of a depression of a key located on the terminal (no input from either keypad or switch) (column 4, lines 46-64).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 5-7, and 9-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McDonald (US 6,172,607).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/Nam Huynh/  
Examiner, Art Unit 2617